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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,273	07/30/2001	Masami Mizutani	FUJR 18.873	2783

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,273

Applicant(s)

MIZUTANI ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12022005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Vikberg et al(6,744,768).
3. As per claims 1, 9-10, Vikberg et al. discloses a communication system(see col. 4, lines 55-56) enabling communications between a subscriber and a station(see col. 12, lines 52-67, col. 13, line 1), a delivery device installed on a station side this is disclosed in Vikberg, because Vikberg discloses an ATM switch(see col. 8, lines 20-29, col. 10, lines 15-19, col. 14, lines 66-67, col. 15, lines 1-8), said delivery device including delivery means for controlling delivery of a media stream(see col. 14, lines 66-67, col. 15, lines 1-8), accounting control means for performing accounting control based on media quality information transmitted from a subscriber side(see col. 29, lines 16-27, col. 30, lines 55-57), and authentication means for authenticating a device which is to receive the media stream(see col. 12, lines 52-67, col. 13, lines 1-8); and a terminal device installed on the subscriber side(see fig. 3C, sheet 6), said terminal device including receiving means for controlling reception of the media stream(see fig. 3C, sheet 6, and associated descriptions), connection information management means for managing connection information for specifying the media stream(see col. 19, lines 35-42), and media quality

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measurement control means for controlling measurement of media quality of the specified media stream(see col. 29, lines 16-27, 43-67), generating the media quality information and transmitting the generated media quality information to the station(see col. 29, lines 16-27, 43-67, col. 30, lines 45-63).

2. As per claim 2, Vikberg discloses wherein said media quality measurement control means performs at least one of first media quality measurement control in which a packet with a loss of data is detected by continuity of packets(see col. 29, lines 16-27, 43-49), and second media quality measurement control in which a degradation index of a media unit is calculated(see col. 31, lines 1-10, col. 32, lines 55-67, col. 33, lines 1-2).

3. As per claim 3, Vikberg discloses wherein said delivery device further includes lost data extracting means for the first media quality measurement control, said lost data extracting means extracting lost data from a media stream content, with reference to the media quality information, and transmitting lost data information to the terminal device(see col. 29, lines 16-27, 43-49, col. 31, lines 39-55).

4. As per claim 4, Vikberg discloses wherein said terminal device further includes quality recovery means for receiving the lost data information and recovering quality of the media stream(see col. 32, lines 5-20).

5. As per claim 5, Vikberg discloses wherein said media quality measurement control means calculates the degradation index of each of subunits into which the media unit is divided, to perform the second media quality measurement control(see col. 31, lines 1-10, col. 32, lines 55-67, col. 33, lines 1-2).

6. As per claim 6, Vikberg discloses wherein said media quality measurement control

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means calculates the degradation index based on a degree of influence of error propagation on the media unit, to perform the second media quality measurement control(see col. 32, lines 55-67, col. 33, lines 1-2).

7. As per claim 7, Vikberg discloses wherein said media quality measurement control means transmits the degradation index and position information of a degraded media unit to the delivery device as the media quality information, to perform the second media quality measurement control(see col. 31, lines 1-10, col. 32, lines 55-67, col. 33, lines 1-2).

8. As per claim 8, Vikberg discloses wherein said accounting control means causes a degree of importance of the degraded media unit to be reflected in the accounting control, with reference to the received position information(see col. 30, lines 45-63, col. 31, lines 39-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Shiekh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



December 2, 2005



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